

Calendar No. 1832

82d CONGRESS
2d Session

SENATE

REPORT
No. 1884

MIKI TAKANO

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2303]

The Committee on the Judiciary, to which was referred the bill (S. 2303) for the relief of Miki Takano, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the racial barrier to admission into the United States and to grant to the minor stepchild of a United States citizen the status of a nonquota immigrant which is the status normally enjoyed by the alien minor children of citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is the 5-year-old Japanese stepchild of Sgt. Edward J. McGarvey, a United States citizen, who was married to the child's mother in Japan before the American consul on September 5, 1951.

A letter, with attached memorandum, dated June 13, 1952, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case reads as follows:

JUNE 13, 1952.

Hon. PAT McCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 2303) for the relief of Miki Takano, an alien. The bill is apparently designed to waive the racial bar to the alien's admission into the United States and would grant him the nonquota status of a natural-born alien child of a citizen of the United States.

There is enclosed a memorandum of information prepared by the Immigration and Naturalization Service of this Department concerning the facts in the case.

Whether, under the circumstances in this case, the general provisions of the immigration laws should be waived presents a question of legislative policy concerning which the Department of Justice prefers not to make any recommendation.

If the committee is disposed to recommend enactment of the bill, it is suggested that the bill be amended so as to read:

"That, in the administration of the immigration laws, section 13 (c) of the Immigration Act of 1924, as amended, shall not apply to Miki Takano, a Japanese minor child born to Hiroko Takano; and, for the purposes of sections 4 (a) and 9 of the Immigration Act of 1924, as amended, the said Miki Takano shall be held and considered to be the natural-born alien minor child of Master Sgt. Edward J. McGarvey, a citizen of the United States and the husband of said Hiroko Takano."

Sincerely,

A. DEVITT VANECH,
Deputy Attorney General.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION
SERVICE FILES RE MIKI TAKANO, BENEFICIARY OF S. 2303

Miki Takano, a native and citizen of Japan of the Japanese race, is a male child about 5 years of age. The only information available concerning the case was obtained from Mrs. Ila Deemer of Franklin, Pa., the mother of Sgt. Edward James McGarvey, who is the child's stepfather.

Sergeant McGarvey was born in Oakland, Calif., on September 15, 1922. He was graduated from high school in 1940 and was a member of the California National Guard when it was called into Federal service in 1941. He has been in the United States Army since that time with the exception of a short period in 1946 or 1947. Shortly after his reenlistment he was sent to Japan and, according to last information, he was with a staff battalion headquarters company in Tokyo. He had 13 months of combat duty in Korea with the First Cavalry Division.

During the short period of time Sergeant McGarvey was out of the Army he was employed by the Collier Lumber Mill and the Red Bluff Molding Mill at Red Bluff, Calif. He was previously married in Red Bluff in March 1945 and divorced in 1946. There were no children of this marriage. Mrs. Deemer stated that her son was married to Hiroko Takano, his present wife, according to Japanese law and again on September 5, 1951, by an Army chaplain in Tokyo. A child was born to them on January 29, 1950.

The beneficiary of the bill is racially ineligible for citizenship in the United States and therefore inadmissible for permanent residence in this country. In the absence of special legislation he is unable to come to the United States with his mother and stepfather.

Senator Edward Martin, the author of the bill, has submitted additional information in connection with the bill, among which are the following documents:

REPLACEMENT DETACHMENT,
HEADQUARTERS AND SERVICE COMMAND,
GENERAL HEADQUARTERS, FAR EAST COMMAND,
EIGHT THOUSAND TWO HUNDRED AND THIRTY-SECOND ARMY UNIT,
APO 500, December 31, 1951.

SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington 25, D. C.

DEAR SIR: In regards to your letter dated December 4, 1951, to Senator Edward Martin and forwarded to me, the following information on special bill S. 2303 is herewith submitted:

1. The bill is for my stepson, age 5. I'm now married to a Japanese national and the boy is her son. In order to have the boy accompany his mother and myself to the United States the bill must accompany the visa petition.
 2. He is now in a private school in Tokyo, Japan, studying English.
 3. He is fully dependent upon myself.
 4. He is not engaged in any activities either political or otherwise that is injurious to American public interest.
 5. He has never been convicted of an offense under any Federal or State law.
- Appreciating all help that can be given to me and my wife, I remain:

Sincerely,

EDWARD J. MCGARVEY,
Master Sergeant, RA20913424, United States Army.

CERTIFICATE

HEADQUARTERS, HEADQUARTERS AND SERVICE COMMAND,
GENERAL HEADQUARTERS, FAR EAST COMMAND,
APO 500, August 18, 1951.

I certify that I am the official custodian of the service record (WD AGO Form 24A), pertaining to Master Sgt. Edward J. McGarvey, RA20913424, a member of this command.

I further certify that as a member of the Armed Forces Master Sergeant McGarvey's current monthly rate of pay is \$243.

EDWARD ELKINTON,
Chief Warrant Officer, United States Army, Assistant Adjutant General.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2303) should be enacted.

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REPLACEMENT DETACHMENT
 HEADQUARTERS AND SERVICE COMMAND
 GENERAL HEADQUARTERS FAR EAST COMMAND
 FORT THOSOM, TWO HUNDRED AND FIFTY-SECOND AVENUE, S.W.
 ALBUQUERQUE, NEW MEXICO, 87101

Dear Mr. [Name],
 I am writing to you in response to your letter dated December 1, 1951, in which you stated that you were interested in the bill (S. 2303) which was introduced in the Senate on October 21, 1951.
 I am sorry that I cannot give you a more definite answer at this time, but I am sure that you will understand my position.
 I am now in a private school in Tokyo, Japan, studying Japanese.
 I am not engaged in any activities other than those which are necessary for my education.
 I am not a member of any political or other organization.
 I am not a member of any religious or other organization.
 I am not a member of any other organization.
 I am not a member of any other organization.
 I am not a member of any other organization.

Sincerely,
 Miki Takano, R-2303151, United States Army.

REPLACEMENT DETACHMENT

HEADQUARTERS FAR EAST COMMAND
 GENERAL HEADQUARTERS FAR EAST COMMAND
 FORT THOSOM, TWO HUNDRED AND FIFTY-SECOND AVENUE, S.W.
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